

THE HON'BLE Ms. JUSTICE G. ROHINI

-

W.P.No.20607 OF 2003

ORDER:

This Writ Petition is filed seeking a declaration that the alleged action of the respondents in resorting to demolish the houses and structures belonging to the petitioners situated in Sy.No.33 and 34/1 of Rallapadu village, Lingasamudram Mandal, Prakasam District, as arbitrary and illegal.

The contention of the petitioners is that since it is private property, the respondents are not entitled to demolish the structures standing therein, without initiating the proceedings under the Land Acquisition Act.

This Court while issuing *Rule Nisi*, by order dated 24.09.2003 directed the respondents not to demolish the houses and structures standing in the survey numbers in question, without following due process of law.

On behalf of the respondents a counter-affidavit has been filed stating that a pipeline has to be laid under PWS Scheme in Nekunampeta village along with R & B Road and that the petitioners along with 19 others have raised structures occupying a portion of the R & B department site in front of their sites situated in Nekunampeta village in Kondapuram Mandal. It is further stated that for laying pipeline by RWS authorities, it is essential to remove all encroachments in R & B site, and that the department will proceed with the work after removing the structures raised on the encroached site, only by following the procedure prescribed.

In the above facts and circumstances, since the respondents have stated that they will take necessary steps in accordance with law before taking up the work with regard to removal of structures raised on the encroached site belonging to R & B department, no further adjudication is necessary on merits.

Accordingly, recording the above said statement of the respondents, the Writ Petition is disposed of. No costs.

5th October, 2005.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.20607 OF 2003

-

05.10.2005

Between:

Medam Malvadri and

Three others. . . . Petitioners.

And

The Superintending

Engineer, R & B Circle,

Nellore and two others. .. Respondents.